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SUBJECT: DARFUR HUMAN RIGHTS UPDATE: AS GENDER BASED VIOLENCE
INCREASES, NISS TARGETS OUTSPOKEN HUMAN RIGHTS DEFENDERS

REF: A) KHARTOUM 553
B) KHARTOUM 697

¶1. (SBU) Summary: Rape and gender-based violence (GBV) have increased in Darfur according to UN agencies and NGOs. Following the March 4-5 expulsion of 13 international NGOs, no mechanism exists to monitor such crimes in internally displaced persons (IDP) camps and rural areas. The increase in these violent acts against women is not due to conflict in Darfur (which has largely subsided), but rather to the increased incidence of such crimes between IDPs in IDP camps. Forced, female genital mutilation (FMG) is also on the rise. Fear and social stigma continue to keep Darfuris from reporting rape, GBV and FMG. No reliable statistics exist on the incidence of rape, with existing laws to punish perpetrators often unenforced. Darfuris associated with the recently-shuttered Sudanese NGOs the Darfur Bar Association and Sudan Development Organization (SUDO) were detained by NISS in April and May, with authorities questioning them at length over their connections to the ICC. Ahmed Mudawi, director of SUDO, is cautiously optimistic that the organization may be able to keep operating in Sudan. End summary.

GBV, FGM INCREASING IN DARFUR

¶2. (SBU) UN agencies and NGOs in Darfur believe that the incidence of rape and GBV is increasing in Darfur. Meeting with Codel Isakson on May 26 in El Fasher, Gregory (Gromo) Alexander, head of UN-OCHA in Darfur, said that the March expulsion of the 13 international NGOs left gaps in rural areas where NGOs such as Oxfam and IRC had previously operated programs and projects that specifically dealt with these issues. Although the GOS pledged to fill the gaps with their "Sudanization" program of humanitarian assistance in Darfur, Alexander and representatives from UNICEF, UNFPA and UNAMID Human Rights doubt that gaps in protection and GBV reporting will be assumed by national NGO partners or government ministries. Furthermore, IDP populations would not report such incidents to these groups, as little trust exists between the GOS and the IDPs.

¶3. (SBU) Asked specifically about the issue of rape in Darfur, UN representatives responded, "Everyone is raping." As a result of the earlier conflict and population shifts, societal norms and traditional ties among generations have broken down, and now rape is occurring both within and between differing Darfuri tribes. UN-OCHA's Alexander said that it is difficult to ascertain exactly what percentage of IDPs have been raped - due to underreporting - but estimated that for every five reported cases of rape, the UN suspects at least five other cases go unreported. Social stigma and fear often keep victims from reporting rape. Moreover, Sudanese authorities sometimes reverse rape charges to charge the victim with

adultery. Given the sensitive nature of the topic, NGOs operating in Darfur are wary of sharing the information with the UN, and both sides had to sign a memorandum of understanding before any NGOs would provide statistics on rape and GBV.

¶4. (SBU) Those victims that have turned to law enforcement agencies and the criminal justice system have found them ineffective as legal avenues. Legislation from 2008 criminalizes rape, but UN agencies claim it is poorly enforced, and rape cases in Darfur are often reported only when the crime crosses tribal boundaries. GOS authorities recently convicted two soldiers for the rape of underage girls, and they received the maximum for the crime - ten years in prison. According to the international specialists with whom CODEL Isakson spoke, this conviction was the exception rather than the norm. Within IDP camps, social customs and processes exist to address rape cases informally, including payments to the aggrieved families and forced marriage of the girl to her rapist. UN agencies noted that FGM is also on the rise in the IDP camps in Darfur, presumably as a way for IDPs to gain social status. Female genital mutilation (FGM) is still technically legal in Sudan. However, the Council of Ministers issued an edict outlawing the practice in 2008, only to be quickly overruled by senior Islamic authorities. FGM previously was practiced mostly by the Zaghawa tribe, but now has become common as well among Fur IDPs.

NISS PURSUES PERCEIVED ICC INFORMERS

¶5. (SBU) In April and May, agents from the National Intelligence and Security Service (NISS) arrested and questioned at length members of the independent Darfur Bar Association (DBA) about their alleged

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association with the International Criminal Court (ICC). Abu Talib Imam, the leading member of the DBA in El Geneina, West Darfur, was arrested in April and flown by NISS to Khartoum for intense on his role as a Sudanese Development Organization (SUDO) employee charged with disclosing information to the international community about crimes in Darfur. Imam, who currently is living in hiding in Khartoum, met briefly with NISS Director Salah Ghosh prior to his release, and Ghosh told him to stay in Sudan pending charges of crimes against the state. Osman Abdelmawla, the leading member of the DBA from Nyala, South Darfur, has since fled to Uganda after being held by NISS during April 16-22. Speaking with poloff by telephone, Abdelmawla said that authorities in Nyala questioned him at length about trips abroad to discover if he had turned over evidence to the ICC regarding actions by the Khartoum regime in Darfur. While admitting that he had participated in the 2004 UN Mission of Inquiry while employed by SUDO, he declined to disclose any other contact with international organizations.

¶6. (SBU) The UNAMID Human Rights Office in El Fasher reported on May 28 that Adam Yahia Daw Al-Beit, an Umda (traditional leader) in Abu Shouk IDP camp, was released by Sudanese authorities after ten days in detention. (Note: UNAMID pursued the case at the suggestion of Post. End note.) NISS officials in El Fasher informed UNAMID that Yahia had been arrested for "pursuing a rebel agenda" in the camp, including having links to the Sudanese Liberation Army/Abdul Wahid. The chief prosecutor in El Fasher informed UNAMID that Yahia had been arrested under the National Security Forces Act, and could be held indefinitely without charges. Following his release after ten days in custody, Yahia reported that he had been treated well.

¶7. (SBU) Yahia disputed the official version of why he had been detained. He said the reason for his arrest was his talk with Senator John Kerry during the latter's visit to El Fasher on April 17 (ref A). Yahia said his interrogators asked why he had criticized the Wali of North Darfur as well as GOS policy in Darfur. During Yahia's detention, several key IDP leaders in El Fasher were reluctant to meet with Codel Isakson (ref B) fearing they too might be arrested. The leaders ultimately agreed to meet with Senators Isakson and Corker at a U.S. embassy rented house in El Fasher rather than in an IDP camp. No one was arrested as a result of the meeting.

18. (SBU) Ahmed Mudawi, founder of SUDO, told polchief on May 29 that Sudanese authorities and the Humanitarian Affairs Commission (HAC) may not be able to fully dissolve his NGO, but they have not yet permitted Mudawi to reopen SUDO. (Note: The Government dissolved SUDO at the same time that it expelled the 13 international NGOs, allegedly for providing information to the ICC. End note.) One of the three independent Sudanese NGOs shuttered by the government on March 5, SUDO operated with a large staff in northern Sudan and Darfur as an implementing partner of numerous international NGOs. According to Mudawi, representatives from HAC have missed two court dates to contest the organization's attempt to regain its assets and renew permission to operate in Sudan. Should they miss a third scheduled court appearance, Mudawi predicted that the Sudanese justice in charge of the proceeding will dismiss HAC's case and rule in favor of SUDO, allowing the NGO to restart limited administrative operations this year.

19. (SBU) Comment: The expulsion of INGOs and the crackdown on local NGOs has had a chilling effect on the willingness of victims of GBV, rape, and FGM to report these incidents, as well as on the documentation and reporting when they do occur. Some expelled NGOs provided medical support and legal assistance to rape and GBV victims. Remaining NGOs are nervous about the possible fallout if they take up such work. Recent NISS allegations that local NGOs provided information to the ICC on sexual violence against women may have a similar effect on the willingness of local activists to carry out GBV and related programs.

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